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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,795	04/02/2002	Takashi Hayama	2002-0054A	1703

513            7590            05/30/2003  
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WASHINGTON, DC 20006-1021

EXAMINER
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HABTE, KAHSAY

ART UNIT	PAPER NUMBER
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1624

8

DATE MAILED: 05/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/031,795	<b>Applicant(s)</b> HAYAMA ET AL.
	<b>Examiner</b> Kahsay Habte, Ph. D.	<b>Art Unit</b> 1624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.
- 4) Claim(s) 1-10 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) \_\_\_\_\_ is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) 1-10 are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |                                                                                                |                                                                              |
|------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

## DETAILED ACTION

### ***Election/Restrictions***

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-3 and 5-10 (in part), drawn to compounds where X, Z, R<sup>1</sup>, R<sup>2</sup> and/or R<sup>3</sup> taken together form an oxazepine ring (see Example 494).

Group II, claim(s) 1-3 and 5-10 (in part), drawn to compounds where X, Z, R<sup>1</sup>, R<sup>2</sup> and/or R<sup>3</sup> taken together form a 1,3-oxazine ring (see Examples 475, 476).

Group III, claim(s) 1-3 and 5-10 (in part), drawn to compounds where X, Z, R<sup>1</sup>, R<sup>2</sup> and/or R<sup>3</sup> taken together form 1,2-diazines (see Example 546).

Group IV, claim(s) 1-3 and 5-10 (in part), drawn to compounds where X, Z, R<sup>1</sup>, R<sup>2</sup> and/or R<sup>3</sup> taken together form a 1,3-oxazole ring (see Examples 485-489).

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Group V, claim(s) 1-10 (in part), drawn to compounds where X, Z, R<sup>1</sup>, R<sup>2</sup> and/or R<sup>3</sup> taken together form a benzopyrrole (tetracyclic R<sup>1</sup> and R<sup>2</sup> form a benzo ring) X = N (see Example 404-408).

Group VI, claim(s) 1-10 (in part), drawn to compounds where X, Z, R<sup>1</sup>, R<sup>2</sup> and/or R<sup>3</sup> taken together form a pyrroles ring (tricyclic, R<sup>1</sup>and R<sup>2</sup> does not form a ring) X = N (see Examples 79-403).

Group VII, claim(s) 1-10 (in part), drawn to isoindoles (bicyclic, R<sup>1</sup> and R<sup>2</sup> does not form a ring) where X = N and Z = Y = carbon atoms.

Group VIII, claim(s) 1-10 (in part), drawn to pyrazoles (bicyclic, R<sup>1</sup>, R<sup>2</sup> does not form a ring) where X = Z = nitrogen (see Example 547).

Group IX, claim(s) 1-10 (in part, drawn to others {e.g. Y = SO, SO2; tricyclic oxazines (Example 474, 493); spiro 1,3-oxazoles (see Examples 469, 492)}

2. The inventions listed as Groups I-IX do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The technical features of each Group is different one from the other, because of the size of the rings, nature of heteroatoms. For example, the special technical feature of Group I is

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oxazepine ring (7-membered ring with oxygen and nitrogen) and is different from the special technical feature of Groups II-IX. The special technical feature of Group II is oxazines ring (six-membered ring with oxygen and nitrogen at 1,3 position and this technical feature is not present in other Groups. The special technical feature of Group III is a 1,2-diazine ring and this special technical feature is not present in other groups. The special technical feature of Group IV is 1,3-oxazole ring and is different from other groups. Like wise, the special technical features of Groups V-IX differ one form the other and each Group has a special technical feature as shown above for Groups I-IV. Note that Group IX is drawn to others (compounds that don't fall in Groups I-VIII, for example, Y = SO, SO<sub>2</sub> in Formula I; tricyclic 1,3-oxazines; spiro-1,3-oxazoles, etc). If applicants elected Group IX, a tentative election of species is required.

3. A telephone call was made to Mr. Warren Cheek on May 23, 2003 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicants requested a written restriction requirement.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

***Conclusion***

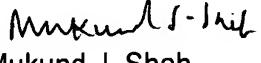
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kahsay Habte, Ph. D. whose telephone number is (703) 308-4717. The examiner can normally be reached on M-F (9.00AM- 5:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mukund Shah can be reached on 703-308-4716. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235.

  
Kahsay Habte, Ph. D.  
Examiner  
Art Unit 1624

KH  
May 26, 2003

  
Mukund J. Shah  
Supervisory Patent Examiner  
Art Unit 1624